THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 27th November,2006

W.P.No.26773 of 2005

Between :

K. Ramulamma … Petitioner

and

The District Collector,

Kurnool District & others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.26773 of 2005

ORAL ORDER:

Heard both sides.

It appears that the petitioner is fair price shop dealer of Shop No.15 of Midthur village and Mandal, Kurnool District. While so, her authorization was cancelled, after conducting a detailed enquiry into the matter, by an Order dated 19-10-2005 of the 3rd respondent. Aggrieved by the same, she filed an appeal before the 2nd respondent after the limitation period is over; therefore, it was dismissed on 21-12-

2005 on the ground of bar of limitation. Petitioner without giving these details, has filed the Writ Petition challenging the Orders dated 19-10-2005 passed by the 3rd respondent.

While admitting the Writ Petition, an interim order was passed by this Court on 15-12-2005 directing the respondents to continue the petitioner as fair price shop dealer of Shop No.15 of Midthur village by suspending the Order dated 19-10-2005 passed by the 3rd respondent. Now the matter is coming up for final hearing.

Learned Government Pleader, on instructions, submits that the petitioner has suppressed the information that she has filed the appeal and the same was dismissed on the ground that it is barred by limitation.

Be that as it may, in the facts and circumstances of the case, petitioner is directed to file an appeal afresh against the Order of the 3rd respondent dated 19-10-2005, without reference to the appeal filed earlier, and the 2nd respondent shall entertain the same without raising any objection as to limitation and dispose of the same by taking into consideration the report submitted by the Mandal Revenue Officer, Midthur to the Joint Collector, Kurnool on 14-7-2005, as per law, within a period of four weeks from the date of filing of the appeal by the petitioner. Petitioner shall file appeal within a period of two weeks from today. During the pendency of the appeal, status quo as on today shall be maintained by the parties.

With the above directions, the Writ Petition is disposed of. No order as to costs.

27-11-2006

Office to despatch

the copies of the order

to the respondents within

three days.

(B.O.)

prk